IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 267 OF 2005

Ram Bali Nathuni & Ors. .. Petitioners

V/s

The Divisional Manager,
Commercial Division & ors. .. Respondents

Ms. S. Debarnan with Mr. Mihir Desai for the Petitioners.

Mr. A.M. Samant for Respondents Nos.1 and 2.

Mr. P.M. Pradhan for Respondent No.3.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 1ST FEBRUARY 2005

P.C. :

1. Heard the learned counsel for the parties.

2. The problem raised in the petition is with respect to work being provided to the Petitioners at the Thane Railway Station for boot polish. The work is allotted by Respondent No.1 - Divisional Commercial Manager and presently Respondent No.3 Society is the one to which the work is allotted. The Petitioners claim to be members of this Society and they are working over there. The term of this Society is now over and Mr.Samant, learned counsel for Respondents Nos.1 and 2, informs that fresh tenders will be invited. In the meanwhile, the Petitioners have filed a dispute in the

Cooperative Court against Respondent No.3 Society. An order is passed therein on 31st January 2003. Clause 2 of this order states that the Opponent No.1 Society is directed to accommodate Disputants Nos.1 to 11 for their job with priority, if available, for shoe shining work. Mr.Pradhan, learned counsel for Respondent No.3 Society, states that the Society will abide by this order including clause 2 thereof. This being the position, if Respondent No.3 gets a work order, the Petitioners will be allowed to work thereunder with priority.

3. Petition stands disposed of with the above order.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)